IN THE HIGH COURT OF JUDICATURE: ANDHRA PRADESH:
AT HYDERABAD

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 8296 of 2006

Dated: 30.06.2006

Between:

Alla Ramu s/o late Thalupulu, aged about 48 years, R/o H.No. 35-11-13, Ramamurthy Panthulupeta, Kancherapalem, Visakhapatnam, Visakhapatnam District, A.P.

…Petitioner

And

1. The State of A.P. represented by its Principal Secretary, Home Department, Secretariat, Hyderabad,
2. The Superintendent of Police, Guntur District, Guntur, A.P.
3. The Station House Officer, Mangalagiri Rural Police Station, Mangalagiri, Guntur District, A.P.
4. N.R.I. Academy of Sciences, Chinakakani, Mangalagiri Mandal, Guntur District, represented by its Dean Dr. K. Anji Reddy, Dean
5. N.R.I. Medical College, Chinakakani, Mangalagiri Mandal, Guntur District, represented by its Principal.

…
Respondents.

THE HONOURABLE SRI JUSTICE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 8296 of 2006

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

The writ-petitioner, the father of Alla Aravinda Babu, filed this writ of Habeas Corpus seeking production of his son alleging that his son was admitted in First Year M.B.B.S course on 24.07.2005 and was staying in the Hostel in the Room No. 217 of Vivekananda Block of 5th respondent, N.R.I. Medical College. On receipt of a phone call from one of the room-mates of his son, he along with his elder son went to the College on 26.02.2006, where they were informed that his son was beaten by their class-mates. When they met the Principal, Warden and other officials of the College, they asked to wait for two days to trace out the missing person. The College administration also gave a report of missing of Alla Aravinda Babu. Basing on which, the police registered a case in Crime No. 31/2006. Since the police could not trace out the boy, the father filed this writ petition.

2. The 3rd respondent, the Sub-Inspector of Police, Mangalagiri Police Station, Guntur District, filed a counter admitting the receipt of a report about the missing of the boy from the Warden of the Boys Hostel, N.R.I. Medical College, Chinakakani, basing on which a case in Crime No. 31 of 2006 was registered under the head 'Man Missing'. He stated that he took up investigation, examined the colleague students and others and was making hectic efforts to trace the boy, however, to no avail. He stated that his

investigation revealed that some of the students have lost their cell phones, and when call particulars of the cell phones were received, they traced to the alleged missing boy and on that they contacted the boy, who admitted the guilt. He stated that he was with his friends at Visakhapatnam and he would return cell phones to them after his return to the College. He further stated that the boy might have left the hostel ashamed of his guilt. However, he was making hectic efforts to trace the alleged boy.

3. These facts were denied by the petitioner by filing a reply affidavit equally controverted by the 3rd respondent by filing yet another additional counter affidavit reiterating their respective stances. The 3rd respondent maintained that they were making hectic efforts to trace the boy.

4. The learned counsel for the petitioner contended that since 24.7.2005 the police could not trace Alla Aravinda Babu and in the light of the averments made in the counters, the police of Guntur District may not be able to trace out the said boy. In view of the suspicion entertained by the very Investigating Officer, it could be better that the investigation be handed over to the C.B.C.I.D.

5. The learned Advocate General submitted that the respondents have no objection for investigation being conducted by C.B.C.I.D.

6. Considering the submissions of the learned Advocate General, we deem it fit that the investigation be entrusted to the C.B. C.I.D. to investigate into the matter and report the out-come of the investigation to the appropriate Court.

7. The writ petition is disposed of with the above directions. No costs

_____

J. CHELAMESWAR,J

_____

D. APPA RAO, J

30th June, 2006

vp